

# NEW JERSEY MILITIA NEWSLETTER

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*All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.*

-- Article 1, Section 1, New Jersey State Constitution

## **An Administration Gone Rogue**

By Ron Paul

Have certain parts of the Constitution become irrelevant, as a former Republican leader once told me at a Foreign Affairs Committee hearing? At the time, I was told that demanding a Congressional declaration of war before invading Iraq, as Article I Section 8 of the Constitution requires, was unnecessary and anachronistic. Congress and the president then proceeded without a Constitutional declaration and the disastrous Iraq invasion was the result.

Last week, Obama administration officials made it clear that even the fig leaf of Congressional participation provided by the 2003 "authorization" to use force in Iraq was to be ignored as well. In a hearing before the Senate Armed Services Committee, Defense Secretary Leon Panetta stated clearly and repeatedly that the administration felt it was legally justified to use military force against Syria solely with "international permission". Such "international permission" could come by way of the United Nations, NATO, or some other international body. Secretary Panetta then told Senator Sessions that depending on the situation, the administration would consider informing Congress of its decision and might even seek authorization after the fact.

While Senator Sessions expressed surprise at the casual audacity of Panetta in making this statement, in reality his was just a bluntly stated explanation of what has been, de facto, the case for many years. When President Obama committed the US military to a pre-emptive war against Libya last year, for example, Congress was kept completely out of the process.

Likewise, military action in Iraq, Pakistan, Somalia, Yemen, and so on, proceed without a Congressional declaration. In fact, we haven't had a proper, constitutional declaration of war since 1942, yet the US military has been engaged in Korea, Lebanon, Iraq, Bosnia, Liberia, Haiti, and Libya with only UN resolutions as the authority. Congress's only role has been authorizing funds, which it always does without question, because one must "support the troops".

Of course we should reserve our harshest criticism for Congress rather than the Administration. If the people's branch of government abrogates its Constitutional authority to the Executive branch, who is to blame? Who is to blame that Congress as a body will not stand up and demand that the president treat the Constitution as more than an anachronistic piece of paper, or merely a set of aspirations and guidelines? The Constitution is the law of the land and for Congress to allow it to be flouted speaks as badly about Congress as it does about a president who seeks to do the flouting.

Just last week the administration announced that it would begin providing material support to the rebels who seek to overthrow the Syrian government. Was Congress involved in this decision to take sides in what may develop into a full-fledged civil war? And what of reports that US special forces may already be operating inside Syria? Still, Congress sits silently as its authority is undermined. Does anybody really wonder why approval numbers for Congress are so low.

Many of my colleagues who stood by as then-President Bush used the military as a kind of king's army are now calling for Congress to act against this president for openly admitting that is

his intent. I agree it is time for Congressional action in response to these attacks on our Constitution, but the solution is simple and Constitutional. The solution is simply voting to withhold funds, since Congress has the power of the purse. No money for undeclared wars!

-- AntiWar.com, 23 March 12

## **Iraq War Lies: "Curveball" fesses up**

A man whose lies helped to make the case for invading Iraq – starting a nine-year war costing more than 100,000 lives and hundreds of billions of pounds – will come clean in his first British television interview tomorrow.

"Curveball", the Iraqi defector who fabricated claims about Iraq's weapons of mass destruction, smiles as he confirms how he made the whole thing up. It was a confidence trick, with Rafid Ahmed Alwan al-Janabi's lies used to justify the Iraq war.

He tries to defend his actions: "My main purpose was to topple the tyrant in Iraq because the longer this dictator remains in power, the more the Iraqi people will suffer from this regime's oppression."

The chemical engineer claimed to have overseen the building of a mobile biological laboratory when he sought political asylum in Germany in 1999. His lies were presented as "facts and conclusions based on solid intelligence" by Colin Powell, US Secretary of State, when making the case for war at the UN Security Council in February 2003.

But Mr Janabi, speaking in a two-part series, *Modern Spies*, says none of it was true. When it is put to him "we went to war in Iraq on a lie. And that

lie was your lie", he simply replies: "Yes."

US officials "sexed up" Mr Janabi's drawings of mobile biological weapons labs to make them more presentable, admits Colonel Lawrence Wilkerson, General Powell's former chief of staff. "I brought the White House team in to do the graphics," he says, adding how "intelligence was being worked to fit around the policy".

As for his former boss: "I don't see any way on this earth that Secretary Powell doesn't feel almost a rage about Curveball and the way he was used in regards to that intelligence."

-- "Man Whose WMD Lies Led to Iraq War Confesses," The Independent UK, 01 Apr 12

Ed.: And Col. Wilkerson keeps his pension?

### US Concealed Intelligence Failure Before 9/11

The US government shut down a series of court cases in order to conceal evidence of a damning intelligence failure shortly before the 9/11 attacks, MPs were told.

Moreover, the UK government is now seeking similar powers that could be used to prevent evidence of illegal acts and embarrassing failures from emerging in court, David Davis, the former shadow home secretary, told the Commons.

Davis said that in 1998 the FBI seized upon an opportunity to eavesdrop on every landline and telephone call into and out of Afghanistan in a bid to build intelligence on the Taliban. The FBI discovered that the Taliban regime had awarded a major telephone network contract to a joint US-UK venture, run by an American entrepreneur, Ehsanollah Bayat and two British businessmen, Stuart Bentham and Lord Michael Cecil.

"The plan was simple" Davis said. "Because the Taliban wanted American equipment for their new phone network, this would allow the FBI and NSA, the National Security Agency, to build extra circuits into all the equipment before it was flown out to Afghanistan for use. Once installed, these extra circuits would allow the FBI and NSA to record or listen live to every single landline and mobile phone call in Afghanistan. The FBI would know the time the call was made and its duration. They would know the caller's name, the number dialled, and even the caller's PIN."

But the plan, Operation Foxden, was delayed by a turf war, during which "the FBI and the CIA spent

more than a year fighting over who should be in charge", he said.

The operation was eventually given the green light on 8 September 2001 - three days before the al-Qaida attacks. "A huge opportunity was missed," Davis said.

He added that when Bentham and Cecil sued Bayat in the New York courts, the case was struck out and all records removed from the courts public database on the grounds of State Secrets Privilege, a legal doctrine that permits the US government to shut down litigation on the grounds of national security.

-- Guardian UK, 28 Mar 12

### What's Next for Gun Rights?

To gun-rights supporters, the Supreme Court's *District of Columbia v. Heller* and *McDonald v. Chicago* decisions may have felt like a dream come true -- the Court recognized an individual right to keep and bear arms, and applied that right to state and local governments.

But judging by a conference hosted by the Fordham Urban Law Journal last Friday, the two sides of the gun-control debate have simply regrouped. As definitive as *Heller* and *McDonald* may seem, they offer little guidance as to what kinds of gun control are still permissible.

For the pro-gun folks, Priority No. 1 is to make sure that *Heller* and *McDonald* have some practical effect. Washington, D.C., and Chicago have replaced their handgun bans with onerous requirements -- such as registration and training -- designed to discourage citizens from owning guns. While New York City has never banned guns outright, it too makes it difficult and expensive for residents to own guns.

One panelist, the Independence Institute's David Kopel, offered a rundown of court rulings that gun-rights supporters might hope for. Bans on so-called "assault weapons" could be struck down because they do nothing to prevent crime. Courts could declare self-defense and the defense of others to be Second Amendment rights. They could even forbid public schools to punish students who fight back against bullies.

And while *Heller* specifically noted that bans on concealed carry have typically been upheld by the courts, several lawsuits seek to apply the right to bear arms outside of the home.

As for the gun-control movement, it appears to have

disabused itself of the notion that gun bans are the way forward. "I have never supported a ban, I do not support a ban, and I can't imagine that I ever would," said Richard Aborn, a former Manhattan district attorney and a president of Handgun Control Inc. (now the Brady Campaign).

No fewer than three panelists -- Michael Pastor, the acting first deputy criminal-justice coordinator in the notoriously anti-gun administration of New York mayor Michael Bloomberg, Aborn and Florida State University criminologist Gary Kleck -- suggested that we require private gun sellers (as opposed to licensed dealers) to conduct background checks on buyers. Aborn and Pastor also endorsed efforts to combat gun trafficking from states with loose gun laws to states with stricter ones -- such as limits on how many guns one can purchase at once, and better enforcement of laws against straw purchasing.

Aborn suggested "microstamping" of guns and ammunition to make them easier to trace, and a nationwide gun registry. Kleck -- whose research has typically shown gun control to be ineffective -- suggested focusing on the people most likely to misuse guns, such as by improving the registry of people too mentally ill to own a gun, prosecuting felons who try to buy guns but are denied by background checks, and making more of an effort to arrest people who are wrongfully carrying concealed weapons.

Thus far, all the Supreme Court has done is to rule out the most extreme forms of gun control. Going forward, we'll see how willing it is to be involved in day-to-day policymaking -- and how effective the gun-control movement can be when its options are limited

-- [www.nationalreview.com](http://www.nationalreview.com), March 13, 2012

### If you have to shoot in self-defense

Here are 2d Amendment author Alan Korwin's "Safety Rules for Self Defense," from his book *After You Shoot*:

1. If you shoot in self-defense you must then defend yourself against execution for murder.

2. When you drop the hammer plan to cash in your life savings for your lawyer's retainer fee. Avoid this unless your life depends on it.

3. Sometimes the innocent get decent treatment and sometimes they

*In the beginning of change the patriot is a scarce man, brave, hated and scorned. When his cause succeeds, however, the timid join him, for then it costs nothing to be a patriot.* Mark Twain

don't.

4. It's always better to avoid a gunfight than to win one.

5. If innocent life doesn't depend on it, don't shoot. And if it does, don't miss.

If you do shoot in self-defense Massad Ayoob, noted expert in the self-defense use of firearms, suggests that people memorize these five steps and use them immediately *and say nothing more*.

1. "This person attacked me." – establishes you are the victim.

2. "I will sign a complaint." – further confirmation you are the victim.

3. Point out evidence that supports you before it disappears.

4. Point out witnesses before they disappear.

5. "Officer, you will have my full cooperation after I have spoken with my attorney."

And say nothing more!

-- James Wesley, Rawles - SurvivalBlog.com, March 13, 2012

### Home Invasion Prevention Basics

Keep your doors and windows locked; if someone unknown is at the door, don't open it.

Have a gun safely at hand every moment you're at home; if invaded, escape quickly if you can; call 911 immediately if you can do so without compromising yourself; if you can't escape, stay as calm as possible and get in control of the situation immediately.

Remember the 21-foot rule; if you can't keep that distance from the intruder, use an obstacle to make it harder for him to get to you and give you more time to react to a sudden attack; try to assess whether or not he is alone, don't be surprised by his buddies;

Whether or not you have shot him, you need to get the intruder face down on the floor, arms and legs spread; call 911 as soon as possible; if you have fired (and especially if you have hit the intruder), be sure to tell the 911 operator that there are shots fired, the intruder is down, YOU are the resident, YOU are holding the gun, and describe yourself; get your ID out and visible; if you have a carry permit, have it out and visible before the cops arrive.

Have no conversation with the intruder except to tell him to stay down, don't move, help is on the way, and stay away from him; even if he appears unconscious, he could be playing possum; if it's just you and the intruder, try to position yourself so that

the cops reach you first when they arrive, and immediately yield control to them; obey their commands fully and instantly; be prepared for the possibility that the intruder may lie to the cops as they try to assess and control the situation.

Be prepared for the possibility that the cops may put YOU on the floor in cuffs while they straighten stuff out; if they do, LET them, don't argue or resist, but do keep telling them you are the resident until they get it.

### "Unfunded mandates, abuse of spending power

"Congress may not require any state or local official, or private person, of the United States of America, to expend any resources without providing such resources, or make the provision of resources conditional on performing actions Congress does not have the power to command, except for militia organization, training, and operations, or for specific performance on a voluntary contract."

-- Constitutional amendment proposed by Jon Roland, [jon.roland@constitution.org](mailto:jon.roland@constitution.org),

### Social engineering, Jersey style

If the NJ Residential Foreclosure Transformation Act (S1566/A2168) bill is enacted it will allow the state to buy houses in any town, convert them into low income housing and it is deed restricted for 30 years. The legislation is social engineering at its worst. It will severely impact the property values, will continue the unacceptable practice of re-distribution of wealth to urban areas at the expense of the taxpayers and it has potential for eminent domain abuse. There has been virtually no citizen input and worst of all, the plan does not in any way guarantee the citizens' property rights and personal rights are not specifically protected. We urge you to do all you can to persuade your colleagues on the local level to squash this bill and to convince the governor, who is on the fence about it, not to sign it should it reach his desk. Federal money may be involved so it does have ramifications on a larger stage.

-- Short Hills Association, March 28, 2012

### Virginia will not cooperate with NDAA detention

RICHMOND, Va. – On Wednesday, the Virginia legislature overwhelmingly passed a law that forbids state agencies from cooperating with any federal attempt to exercise the indefinite detention without due process provisions written into sections 1021 and 1022 of the National Defense Authorization Act.

HB1160 "Prevents any agency, political subdivision, employee, or member of the military of Virginia from assisting an agency of the armed forces of the United States in the conduct of the investigation, prosecution, or detention of a United States citizen in violation of the United States Constitution, Constitution of Virginia, or any Virginia law or regulation."

Several states recently passed resolutions condemning NDAA indefinite detention, but Virginia becomes the first state to pass a law refusing compliance with sections 1021 and 1022.

"In the 1850s, northern states felt that habeas corpus was so important that they passed laws rejecting the federal fugitive slave act. The bill passed in Massachusetts was so effective, not one single runaway slave was returned south from that state. Today, Virginia joins in this great American tradition," Tenth Amendment Center executive director Michael Boldin said. "When the federal government passes unconstitutional so-called laws so destructive to liberty – it's the people and the states that will stand up and say, 'NO!' May the other states now follow the lead taken today by Virginia."

-- <http://tenthamendmentcenter.com>, April 18, 2012

### No foreign travel if IRS says so?

"Stalinist" is how IBD describes a provision in the new transportation bill, which would give the IRS the power to revoke passport rights for individuals they suspect of owing more than \$50k in taxes. The key word here is "suspect," because apparently no court ruling is required:

"America, Love It Or Leave It" might be an obsolete slogan if the "bipartisan transportation bill" that just passed the Senate becomes law. Contained within the suspiciously titled "Moving Ahead for Progress in the 21st Century Act," or "MAP 21," is a provision that gives the IRS the power to keep U.S. citizens from leaving the

country if they owe \$50,000 or more in unpaid taxes — no court ruling necessary.

The rule certainly seems excessive. There are already plenty of ways for the IRS to badger tax delinquents, including legal claims on personal property. Where is the evidence that a law like this is even necessary?

And could the bureaucrats at the IRS really be trusted to handle this smoothly?

The proposed law isn't as unprecedented as one might think, though.

As [University of Georgia Professor Timothy] Meyer points out, the State Department screens passport applications for people who owe child support of more than \$2500. And the tax system is routinely used to get Americans to make good on their outstanding liabilities. In fact, some folks won't be getting the refund check they're expecting if, for instance, they've defaulted on their student loans, owe state or local taxes, or haven't ponied up for the child support they owe. Most people don't realize it, but the IRS is in contact with federal and state agencies throughout the year, making sure you've paid your debts before they send you a chunk of change back in the mail.

-- commentary magazine.com April 12, 2012

### **Ted Nugent vs. a deluded Jewish congresswoman**

By Rabbi Dovid Bendory

Ted Nugent and Jews for the Preservation of Firearms Ownership go way back. We may not agree with Ted on all of his high-volume pronouncements, but on the Second Amendment, Ted Nugent and JPFO see eye to eye.

Chair of the Democratic National Committee, Debbie Wasserman Schultz is presently alleging that Nugent threatened the life of President Barack Hussein Obama. [According to Reuters Nugent told NRA supporters in St. Louis last week that he would be "dead or in jail" next year if Obama was reelected, and that "We need to ride into that battlefield and chop their heads off in November."]

Wasserman Schultz is one of the leading gun prohibitionists in Congress. No Jew should embrace victimhood, but Wasserman Schultz certainly does. She sells out every American Jew, and every American when she opens her mouth with her

anti-Torah nanny-state "gun control" schemes

Ted is not Jewish, and because of political correctness, he cannot say that. But I'm an Orthodox rabbi, so I can.

JPFO (founded in 1989) cannot enter into electoral politics, but we can point out the immoral and anti-Constitution behavior of "progressives" like Wasserman Schultz.

In a recent documentary film by JPFO titled "No Guns for Jews", the dangerous mouthings and maneuverings of Jewish gun-phobes like Wasserman Schultz are carefully examined. Interesting enough, the Congresswoman has a cameo in that film.

Watch "No Guns for Jews" and watch the currently circulating video clip of Ted Nugent's rhetoric. If American politicians are allowed to squelch Ted Nugent's political speech, if they're allowed to squelch his stand on the Second Amendment and his opinions about those who would trash the Guardian of the Bill of Rights, those evil politicians will be crushing your and my freedoms as well. When it comes to the Second Amendment, Ted Nugent walks the walk. America, pay attention.

*Rabbi Bendory is a NRA Certified Firearms Instructor.*

-- JPFO Alert April 20, 2012

### **The establishment on guns**

We are beyond the stage of restrictive licensing and uniform laws. We are at the point in time and terror when nothing short of a strong uniform policy of domestic disarmament will alleviate the danger which is crystal clear and perilously present. Let us take the guns away from the people. Exemptions should be limited to the military, the police and those licensed for good and sufficient reasons. -- Patrick V. Murphy, New York City Police Commissioner 1970-12-07

One man with a gun can control 100 without one....Make mass searches and hold executions for found arms. -- Vladimir I. Lenin

Indeed, that the Second Amendment poses no barrier to strong gun laws is perhaps the most well-settled proposition in American constitutional law. Yet the incantation of this phantom right continues to pervade Congressional debate. -- Erwin N. Griswold, Solicitor General in the Nixon Administration, *Washington Post*, 1990-11-04

The most foolish mistake we could possibly make would be to allow the subject races to possess arms.

History shows that all conquerors who have allowed the subject races to carry arms have prepared their own downfall by so doing. Indeed, I would go so far as to say that the supply of arms to the underdogs is a sine qua non for the overthrow of any sovereignty. -- Adolf Hitler on the Edict of March 18, 1938 (H.R. Trevor-Roper, *Hitler's Table Talks 1941-1944* (London: Widenfeld and Nicolson, 1953, p. 425-426)

If the personal freedoms guaranteed by the Constitution inhibit the government's ability to govern the people, we should look to limit those guarantees. -- Pres. Bill Clinton, 1993-08-12

"I just want you to know that we are working on it [gun control]," [Sarah] Brady recalled the president telling them. "We have to go through a few processes, but under the radar." -- Pres. Barack Obama, meeting with Jay Carney, Jim Brady, Sarah Brady, quoted in the *Washington Post*, 2011-04-12

This administration has consistently favored the reinstitution of the [1994] Assault Weapons Ban. It is something that we think was useful in the past with regard to the reduction we've seen in crime, and certainly would have a positive impact on our relationship and the crime situation in Mexico. -- Eric Holder, U.S. Attorney General 2012-02-02

Every good Communist should know that political power grows out of the barrel of a gun, and that gun must remain firmly in the hands of the state. --Mao Tse Tung

### **DHS Is Buying 450 Million New Bullets**

The Department of Homeland Security (DHS) and its Immigration and Customs Enforcement (ICE) office is getting an "indefinite delivery" of an "indefinite quantity" of .40 caliber ammunition from defense contractor ATK.

U.S. agents will receive a maximum of 450 million rounds over five years, according to a press release on the deal.

The high performance HST bullets are designed for law enforcement and ATK says they offer "optimum penetration for terminal performance."

This refers to the bullet's hollow-point tip that passes through barriers and expands for a bigger impact without the rest of the bullet getting warped out of shape: "this bullet holds its jacket in the toughest conditions."

We've also learned that the Department has an open bid for a stockpile of rifle ammo. Listed on the federal business opportunities network, they're looking for up to 175 million rounds of .223 caliber ammo to be exact. The .223 is almost exactly the same round used by NATO forces, the 5.56 x 45mm.

-- Eloise Lee,  
www.businessinsider.com Mar. 28, 2012

### **ATF rank and file don't trust the brass**

Top leaders at the Bureau of Alcohol, Tobacco and Firearms, already under fire from lawmakers in the wake of the "Fast and Furious" debacle, also get harsh marks from the men and women who serve under them, according to an internal survey.

An ATF memo obtained by FoxNews.com reveals that rank-and-file workers at the beleaguered federal agency, where whistleblowers who first alerted lawmakers to the "gun-walking" scandal say they were threatened or even punished, don't trust the agency's leaders.

Just 44 percent of ATF employees said that their leaders maintained "high standards of honesty and integrity" last year, according to the Partnership for Public Service, the non-profit that administers the annual survey to government employees.

On "leadership effectiveness" in general, ATF scored nearly last among government agencies, at 215th out of 228 agencies surveyed. That rating is down 10 percentage points from the year before.

Vince Cefalu, an agent who helped expose the "Fast and Furious" scandal, said it is "too soon to tell" whether ATF will turn things around. For now, he says, the survey results don't surprise him.

Cefalu says his own situation is a case study in ATF dishonesty. The ATF attempted to fire Cefalu last year, after the "Fast and Furious" scandal broke, but so far has been unable to do so because Cefalu has accused them in court of retaliating against a whistleblower. Now, he said, he is given no assignments.

"I am sitting in Lake Tahoe drawing \$150,000 [a year from ATF] to do absolutely nothing," he said.

He added that while ATF says it has now replaced old leadership with new players, the old leaders never get fired.

"Where are we, 15, 16 months outside of Brian Terry's murder?

Nobody's been held accountable for anything," he said, referring to a border patrol agent who was killed with an illegal weapon that was allowed to enter Mexico as part of operation Fast and Furious.

The problem goes deeper than Fast and Furious, he added.

"When a manager gets caught in an unethical or unlawful act, the only 'punishment' that comes with it is a taxpayer-funded move. You'll retain full pay, full benefits, and we'll pay to move you, usually to headquarters in DC."

ATF scores well in some other aspects of the employee survey. In "pay," it rates eighth out of all 228 agencies. The average salary for an ATF employee is \$96,370 per year.

-- Maxim Lott, foxnews.com Mar. 26, 2012

Ed.: just wondering how many of the other 228 agencies are also unconstitutional.

### **District Court: 2d Amendment applies outside the home**

By Eugene Volokh

*Bateman v. Perdue* (E.D.N.C. Mar. 29, 2012) invalidates a North Carolina law that bans "transport[ing] or possess[ing] off [one's] own premises any dangerous weapon" when a state of emergency has been declared.

The court concluded that:  
1. The right to keep and bear arms extends to carrying outside one's property, for self-defense and for other reasons.

2. The law interferes with the exercise of people's right to defend themselves in their homes, because it bars people from buying weapons and then transporting them to their homes.  
3. The law fails strict scrutiny, because they "excessively intrude upon plaintiffs' Second Amendment rights by effectively banning them ... from engaging in conduct that is at the very core of the Second Amendment at a time when the need for self-defense may be at its very greatest" and therefore aren't narrowly tailored to serve the government's compelling interest in public safety.

Note that "strict scrutiny" can be quite rights-protective or not depending on what one understands "narrow tailoring" to mean. If narrow tailoring requires some plausible reason to believe that the law will on balance help prevent crime and injury, then that requirement will very often be satisfied. If it requires social science proof that the law will on balance help prevent crime and injury, then that requirement will rarely be satisfied,

especially in situations such as this: There will rarely be solid studies of the effects of this particular kind of law.

If, as here, "narrow tailoring" requires that the law not "excessively intrude" on rights, then that might be something like a rule of per se invalidation (at least as to very heavy burdens on the right): The premise of such an approach is that, regardless of whether the restrictions will reduce crime and injury, it is still unconstitutional if it interferes with the core of the right, since the constitutional recognition of the right expresses a judgment that the right must be protected despite the threat it may pose to compelling government interests. For more on all this, check out my "Implementing the Right to Keep and Bear Arms for Self-Defense: An Analytical Framework and a Research Agenda," 56 UCLA L. Rev. 1443 (2009).

Congratulations to Alan Gura, the lawyer who won *Heller* and *McDonald*, on his victory in this case, and to the Second Amendment Foundation, which helped file the case.  
-- The Volokh Conspiracy, Mar. 29, 2012

### **District Court: Prosecutorial, police immunity affirmed**

Plaintiff alleges that the defendant prosecuting attorneys and police detectives "openly lied in court" before a judge and grand jury so as to obtain an arrest warrant, search warrants and an indictment....

Analysis

#### **a. Prosecutorial Immunity**

Plaintiff asserts a claim against the prosecutor defendants with respect to their handling of recent arrest and search warrants and indictment of plaintiff. To the extent that plaintiff is asserting that these defendants violated his constitutional rights in their prosecution of plaintiff, such claim must be dismissed.

"[A] state prosecuting attorney who act[s] within the scope of his duties in initiating and pursuing a criminal prosecution" is not amenable to suit under 42 U.S.C. Sec. 1983. *Imbler v. Pachtman*, 424 U.S. 409, 410 (1976). Thus, a prosecutor's appearance in court as an advocate in support of an application for a search warrant and the presentation of evidence at such a hearing are protected by absolute immunity. *Burns v. Reed*, 500 U.S. 478, 492 (1991)....

See also *Yarris v. County of Delaware*, 465 F.3d 129 (3<sup>d</sup> Cir. 2006) (where the Court of Appeals for the

Third Circuit... [holds], for example, that a prosecutor is not entitled to absolute immunity for allegedly wrongful acts in connection with a prosecution for deliberately destroying highly exculpatory evidence, but is entitled to immunity for making the decision to deliberately withhold exculpatory evidence before and during trial, but not after the conclusion of adversarial proceedings....

#### C. Claim Against Defendant X

Finally, it appears that plaintiff is asserting a claim against police detective X with regard to his alleged false testimony and documents at plaintiff's state criminal trial proceedings, namely, before the grand jury and other initial proceedings in court. Thus, to the extent that the Complaint against X is based on the officer's testifying falsely before a grand jury or a court, such claims must be dismissed because a witness enjoys absolute immunity from damages under Sec. 983 for false testimony. See *Briscoe v. LaHue*, 460 U.S. 325, 330-346 (1983) [and 2 other cases] U.S. District Court, District of New Jersey, PETER G. SHERIDAN, U.S.D.J. November 9, 2011

-- Submitted by a NJ state prisoner

#### Whites the next Tutsis?

At an organising breakfast for National Rifle Association (NRA) grassroots activists, Samuel Richardson, a man with whom I have not exchanged a word, passes me a note. "Please read the book *Injustice* by Adams," it reads. "He was [sic] lawyer for US Justice Department who prosecuted Black Panther Case." Quite why Richardson thinks this book is for me is not clear. There are six other people at the table, a couple of them journalists. The fact I am the only black person in a room of around 200 may have something to do with it.

J Christian Adams, a former department of justice lawyer, resigned after the department decided not to prosecute members of the New Black Panther party who brandished guns and intimidated poll watchers outside a voting station in Philadelphia in 2008. Several attorneys, including

Republicans, have argued that while the case was serious it did not warrant the department's resources. Adams believed there were darker forces at play, claiming the case "gave the public a glimpse of the racially discriminatory worldview" of the department under Obama.

Richardson goes further. The press and the government are in cahoots, he explains, to oppress white people. "It's fascistic," he explains. "It's just like Hitler did. Discriminating against one ethnic group and claiming that they're the cause of everything that's wrong. It's what happened in Rwanda," intimating that white Americans, like Tutsis, could one day find themselves systematically slaughtered in their own land.

-- "America's Deadly Devotion to Guns," by Gary Younge, Guardian UK, 17 April 12

#### Health care--what could possibly go wrong??

Let me get this straight . . .

We're going to be "gifted" with a health care plan we are forced to purchase and fined if we don't, Which purportedly covers at least ten million more people, Without adding a single new doctor, but provides for 16,000 new IRS agents, Written by a committee whose chairman says he *doesn't understand it*, Passed by a Congress *that didn't read it*

Signed by a Dumbo President who *smokes*, With *funding* administered by a treasury chief who *didn't pay his taxes*, Run by a government which has bankrupted Social Security and Medicare, All to be overseen by a surgeon general who is *obese*, And *financed* by a country that's *broke!!!!*

What could *possibly* go wrong??

#### NRA's La Pierre on the 2012 election

"All of our Second Amendment liberty, all of the rights

we've worked so hard to defend, all of what we know is good and right about America --- all of it could be lost if Barack Obama is re-elected." Wayne La Pierre Feb. 10, 2012

"If Obama wins re-election, he will likely appoint one --- and perhaps three --- more Supreme Court Justices. If we get one more like those three [Ginsberg, Sotomayor, and Kagan], the Second Amendment is finished. It'll be the end of our freedom forever." Wayne La Pierre Feb. 10, 2012

"If you don't remember anything else I say today, write this down: This is the most dangerous election in our lifetime. If Obama wins, we'll go to our graves mourning the freedom we've lost." Wayne La Pierre Feb. 10, 2012

\* \* \*

"[It is a basic principle of a tyrant] to unarm his people of weapons, money, and all means whereby they resist his power." -- Sir Walter Raleigh (1554-1618)

\* \* \*

"I am sure there was no man born marked of God above another, for none comes into the world with a saddle upon his back, neither any booted and spurred to ride him."- Last words of Richard Rumbold before being hanged for planning an insurrection against the tyrant Charles II, 1679

\* \* \*

"That all men are born equally free and independent, and have certain inherent natural Rights, of which, when they enter into a state society, they cannot by any compact deprive or divest their posterity, namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining Happiness and Safety." -- George Mason, principal author of the Virginia Declaration of Rights, adopted unanimously June 12, 1776

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